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| 23935 7590 03/03/2009 KOPPEL, PATRICK, HEYBL & DAWSON 2815 Townsgate Road SUITE 215 Westlake Village, CA 91361-5827 | | | | |
| EXAMINER | | | | |
| GALL, LLOYD A | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,495

Applicant(s)

GERINGER ET AL.

Examiner

Lloyd A. Gall

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 9, line 11, "20" is inaccurate. On page 9, line 19, "12" should read --16--. On page 13, line 25, "120" should read --118--. On page 15, line 23, "126" should read --124--. On page 16, lines 23 and 24, "108" should read --102--. On page 16, line 33, "138" should read --112--. In the amendments to the specification filed on November 7, 2008: In the amendment to the page 10, line 6 paragraph, in line 10, "14" should read --16--. In the amendment to the page 16, line 29 paragraph, in line 4, "138" should read --112--. In the amendment to the page 18, line 1 paragraph, "128" should read --130--. In the amendment to the page 18, line 16 paragraph, line 10, "doorknob" should read --hub--. In the amendment to the page 21, line 29 paragraph, in lines 11-12, it is not clear what is meant by "The retractor is arranged to bypass the retractor".

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-29, 31 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, claim 17, line 4 and claim 25, line 4, there is no antecedent basis for "the internal components", and it is not clear whether any particular components are being claimed. In claim 1, lines 10 and 13 and throughout the claims, consistency should be maintained between "solenoid" and "solenoid assembly". In claim 1, line 18

and throughout the claims, it is not clear what is meant by "rod/tip". In claim 1, lines 20 and 21, "fail secure" is used both times. In claim 1, the last four lines, claim 24, the last three lines, and claim 29, the last three lines, and throughout the claims, it is not clear in what sense a spring rate can "substantially match" a power curve. It is submitted that the claiming of a different property of two different elements as "substantially matching" is indefinite. It is also submitted that it is not clear what would constitute a "substantial match", and a "non-substantial match". In claim 5, lines 1-2, there is no antecedent basis for "said plunger and rod/tip assemblies". In claim 6, line 2, "further comprising a solenoid spring" is unclear, since claim 1 claims the solenoid spring. In claim 7, line 2, there is no antecedent basis for "said rod and tip assembly". In claim 9, line 1 and claim 10, line 1, a "wherein" statement should be used. Claim 10 is indefinite, since it depends from itself. In claim 11, line 3 and throughout the claims, consistency should be maintained between "coupling member" (claim 8, line 3) and "coupling mechanism". In claim 14, line 4, it is not clear in what sense the latch bolt finger "engages" the latch bolt. In claim 17, line 12, "into" is incomplete. In claim 21, line 4, it appears that "either" should read --one of--. In claim 21, line 6, --in-- should follow "operate". In the last line of claim 21, it appears that "either" should be deleted. In the last line of claim 23, there is no antecedent basis for "said cover plate". In claim 24, line 6, there is no antecedent basis for "the power curve". In claim 25, lines 14 and 22-23 and throughout the claims, consistency should be maintained between "coupling member" and "coupling mechanism". In claim 26, line 2 and throughout the claims, consistency should be maintained between "solenoid" and "solenoid assembly". In claim 27, the last line, there

is no antecedent basis for "said cover plate". In claim 28, line 2, --said--should follow "between". In claim 29, line 8, there is no antecedent basis for "said solenoid housing". In claim 29, line 12, consistency should be maintained between "solenoid" and "solenoid assembly".

In view of the above claim rejections, the claims are rejected as best understood, on prior art, as follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 14-15, 29, 31 and 32 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehrung (557) in view of Otto et al (289). Zehrung teaches an electric door lock. In regards to claims 1 and 29, Zehrung teaches a housing 20A for receiving internal components, a latch bolt 44A a doorknob attached to 48A to retract the latch bolt a solenoid assembly 18 capable of being interchangeable between a fail secure mode to prevent the doorknob from retracting the latch bolt when the solenoid is not energized, and a fail safe mode to allow the doorknob to retract the latch bolt when the solenoid is not energized, a solenoid body having a longitudinal bore (as shown in Fig. 3a), a plunger movably arranged in the solenoid bore and drawn in the solenoid housing when energized, a rod/tip assembly mounted to the plunger 54A. Although Zehrung fails to teach a coil surrounding the longitudinal bore and a conductor to apply an electrical signal, a plunger movably arranged when the coil is energized,

Zehrunge's solenoid is energized and the plunger is movably arranged in the solenoid body. It would have been obvious to provide a coil and conductor with the solenoid of Zehrunge, since such is well known solenoid structure to move a plunger. Otto teaches that it is well known to provide a conical spring between a rod/tip and a solenoid body. It would have been obvious to provide a conical spring with the solenoid of Zehrunge, in view of the teaching of Otto et al, to provide expected results. The Zehrunge and Otto references as combined teach all of the claimed structural limitations, as well as any functional limitations to a power curve and spring rate. In regards to claim 2, Zehrunge teaches a cradle 10 mounted to the housing for holding the solenoid. In regards to claim 3, Zehrunge teaches a solenoid nested within the housing without being directly affixed to the housing. In regards to claim 4, Zehrunge teaches the rod/tip as being mountable to either end of the plunger to interchange the solenoid between fail safe and fail secure modes (column 3, lines 40-45). In regards to claim 14, Zehrunge teaches a hub mechanism (B1 and B2, see the previously attached Examiner's Attachment) with the doorknob mounted thereto and the latch bolt comprises a one-piece retractor (F, see Examiner's Attachment), the hub also comprising a latch bolt finger to engage the latch bolt wherein the finger (B2) floats on top of the latch retractor.

Claims 1 and 8-12 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambic (556) in view of Otto et al.

Kambic discloses an electric door lock including a housing 32 for receiving internal components, a latch bolt 32 a door knob 110, a solenoid assembly 172 interchangeably arranged to cause the lock to operate in a fail secure mode wherein the doorknob is

prevented from retracting the latch bolt when the solenoid is not energized, or a fail safe mode wherein the doorknob is allowed to retract the latch bolt when the solenoid is not energized, wherein the solenoid is nested within the housing in both modes. Otto teaches that it is well known to provide a conical spring between a rod/tip and a solenoid body. It would have been obvious to provide a conical spring with the solenoid of Kambic, in view of the teaching of Otto et al, to provide expected results. The Kambic and Otto references as combined teach all of the claimed structural limitations, as well as any functional limitations to a power curve and spring rate. In regards to claim 8, Kambic teaches a hub mechanism 24 and a coupling member 144, the coupling member movable between a first coupling position to allow the hub to rotate when the doorknob is rotated or a second coupling position wherein the hub is not allowed to rotate when the doorknob is rotated, wherein the hub retracts the latch bolt when the hub is rotated. In regards to claim 9, Kambic teaches a fail-safe mode (column 8, lines 58-68) and causes the coupling member to be in the first position when the solenoid is not energized. In regards to claim 10, Kambic teaches the fail secure mode (column 8, lines 51-57), and causes the coupling member to be in the second position when the solenoid is not energized. In regards to claim 11, Kambic teaches a locking lever 168 arranged between the solenoid and coupling member, the solenoid causing the movement of the locking lever between first and second locking lever positions, and movement of the locking lever causing the coupling member to move between first and second coupling positions. In regards to claim 12, Kambic teaches a rocker arm 160 arranged between the locking lever and coupling member, wherein

movement of the locking lever between first and second locking lever positions causes the rocker to move between first and second rocker positions, causing the coupling member to move between first and second coupling positions.

Claim 13 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Kambic in view of Otto et al as applied to claim 1 above, and further in view of Bruwer (755).

Bruwer teaches that it is well known to construct a door lock with a plurality of electrical switches (434, 436, 440, 444) to indicate the position of the internal components. It would have been obvious to include a plurality of switch indicators with the lock of Kambic as modified by Otto et al, in view of the teaching of Bruwer, to provide expected results.

Claim 16 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Zehrung in view of Otto et al as applied to claim 1 above, and further in view of Foshee (613). Foshee teaches that it is well known to construct a latch that includes a retractor part 66 that melts at an elevated temperature to prevent the latch bolt from being retracted. It would have been obvious to modify the latch bolt of Zehrung to include a meltable retractor part, in view of the teaching of Foshee, to provide expected results.

Claims 17-24 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehrung in view of Foshee.

Zehrung teaches an electric door lock. In regards to claims 1 and 29, Zehrung teaches a housing 20A for receiving internal components, a latch bolt 44A a doorknob

attached to 48A to retract the latch bolt a solenoid assembly 18 capable of being interchangeable between a fail secure mode to prevent the doorknob from retracting the latch bolt when the solenoid is not energized, and a fail safe mode to allow the doorknob to retract the latch bolt when the solenoid is not energized, a solenoid body having a longitudinal bore (as shown in Fig. 3a), a plunger movably arranged in the solenoid bore and drawn in the solenoid housing when energized, a rod/tip assembly mounted to the plunger 54A, and a locking lever 46A, wherein the rod/tip is operable on the end of the locking lever 46A, the other end of the locking lever operable on the doorknob. Zehrung also teaches a cradle 10 within the housing for receiving the solenoid. Although Zehrung fails to teach a coil surrounding the longitudinal bore and a conductor to apply an electrical signal, a plunger movably arranged when the coil is energized, Zehrung's solenoid is energized and the plunger is movably arranged in the solenoid body. It would have been obvious to provide a coil and conductor with the solenoid of Zehrung, since such is well known solenoid structure to move a plunger. Foshee teaches that it is well known to construct a latch that includes a retractor part 66 that melts at an elevated temperature to prevent the latch bolt from being retracted. It would have been obvious to modify the latch bolt of Zehrung to include a meltable retractor part, in view of the teaching of Foshee, to provide expected results.

Claim 25 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Kambic in view of Foshee.

Kambic discloses an electric door lock including a housing 32 for receiving internal components, a latch bolt 32 a door knob 110, a solenoid assembly 172

interchangeably arranged to cause the lock to operate in a fail secure mode wherein the doorknob is prevented from retracting the latch bolt when the solenoid is not energized, or a fail safe mode wherein the doorknob is allowed to retract the latch bolt when the solenoid is not energized, wherein the solenoid is nested within the housing in both modes. Kambic teaches a hub mechanism 24 and a coupling member 144, the coupling member movable between a first coupling position to allow the hub to rotate when the doorknob is rotated or a second coupling position wherein the hub is not allowed to rotate when the doorknob is rotated, wherein the hub retracts the latch bolt when the hub is rotated. Kambic teaches a fail-safe mode (column 8, lines 58-68) and causes the coupling member to be in the first position when the solenoid is not energized. Kambic teaches the fail secure mode (column 8, lines 51-57), and causes the coupling member to be in the second position when the solenoid is not energized. Kambic teaches a locking lever 168 arranged between the solenoid and coupling member, the solenoid causing the movement of the locking lever between first and second locking lever positions, and movement of the locking lever causing the coupling member to move between first and second coupling positions. Kambic teaches a rocker arm 160 arranged between the locking lever and coupling member, wherein movement of the locking lever between first and second locking lever positions causes the rocker to move between first and second rocker positions, causing the coupling member to move between first and second coupling positions. Foshee teaches that it is well known to construct a latch that includes a retractor part 66 that melts at an elevated temperature to prevent the latch bolt from being retracted. It would have been obvious

to modify the latch bolt of Kambic to include a meltable retractor part, in view of the teaching of Foshee, to provide expected results.

Claims 26 and 27 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambic in view of Foshee as applied to claim 25 above, and further in view of Zehrung.

Zehrung teaches a solenoid comprising a solenoid body 22, plunger 24 within the body, and a rod/tip 54A mounted to the plunger, the plunger being drawn into the solenoid body when the solenoid is energized, the rod/tip engaging the locking lever to move it between first and second locking lever positions, and a cradle 10 for receiving the solenoid. It would have been obvious to modify Kambic's lock as taught by Zehrung, to provide expected results.

Claim 28 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Kambic in view of Foshee and Zehrung as applied to claim 26 above, and further in view of Otto et al.

Otto teaches that it is well known to provide a conical spring between a rod/tip and a solenoid body. It would have been obvious to provide a conical spring with the solenoid of Kambic, in view of the teaching of Otto et al, to provide expected results. The Kambic and Otto references as combined teach all of the claimed structural limitations, as well as any functional limitations to a power curve and spring rate.

Applicant's arguments filed November 7, 2008 have been fully considered but they are not persuasive. Applicant's REMARKS are noted, particularly those on page 24, the last six lines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lloyd A. Gall/
Primary Examiner, Art Unit 3673

/L. A. G./
Primary Examiner, Art Unit 3673
March 2, 2009

